IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 7641 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PARSHOTTAM KANJIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 7641 of 2003

MR RAJESH M AGRAWAL for Petitioner No. 1-2

MR RC KODEKAR, APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE R.P.DHOLAKIA

Date of decision: 29/09/2003

ORAL JUDGEMENT

1. Rule returnable today. Mr.R.C.Kodekar, learned

APP waives service of rule for the respondent State.

2. Heard Mr.Divetia, learned counsel for Mr.Agrawal for the petitioners.

3. The present petitioners had filed Criminal Misc. Application No.1125 of 2002 under Section 439 of the Code of Criminal Procedure, wherein this Court has granted them conditional bail on 8/3/2002 wherein one of the conditions which has been imposed by this Court, i.e. condition No.(d) reads as follows:

> "(d) mark their presence before the concerned police station once in every month between 11.00 a.m. to 2.15 p.m.,"

According to the learned counsel for the petitioners, the petitioners are marking their presence since March 2002 and they are also remaining present into the court on due dates, and, therefore, condition No.(d) imposed vide order dated 8/3/2002 in Criminal Misc. Application No.1125 of 2002 is required to be deleted.

4. Looking to the facts and circumstances of the case, condition No.(d) imposed vide order dated 8/3/2002 passed in Criminal Misc. Application No.1125 of 2002 is required to be deleted and, hence, the same is deleted. Rest of the conditions shall remain as it is.

5. This petition is allowed. Rule is made absolute to the aforesaid extent only. Direct service is permitted.

(R.P.Dholakia,J)
(pathan)